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15
16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN JOSE DIVISION

19 CISCO SYSTEMS, INC.,

20 Plaintiff,

21 v.

22 ARISTA NETWORKS, INC.,

23 Defendant.

Case No. 5:14-cv-05344-BLF (PSG)

**DECLARATION OF EDUARDO E.
SANTACANA IN SUPPORT OF MOTION
FOR LEAVE TO AMEND RESPONSE TO
ADD COUNTERCLAIMS**

Judge: Hon. Beth Labson Freeman

Date Filed: December 5, 2014

Trial Date: November 21, 2016

1 I, EDUARDO E. SANTACANA, declare and state as follows:

2 1. I am an attorney licensed to practice law in the State of California and an associate
3 at the law firm of Keker & Van Nest LLP, counsel for Defendant Arista Networks, Inc. in the
4 above-captioned action. I am admitted to practice before this Court.

5 2. I have personal knowledge of the facts set forth herein, and if called upon to testify
6 as a witness thereto, I could do so competently under oath.

7 3. Cisco began producing documents in this matter on July 21, 2015. Thus far, Cisco
8 has produced over 350,000 documents. In the ITC investigations, Cisco produced over 180,000
9 documents totaling over 2 million pages.

10 4. Counsel for Arista immediately began investigating Cisco's anticompetitive
11 conduct when this case was filed and reviewing the documents produced by Cisco in this matter
12 as they were produced. The documents cited in the proposed counterclaims were first discovered
13 in November 2015.

14 5. The documents cited in the proposed counterclaims with Bates numbers beginning
15 with CSI-ANI-00056464, CSI-CLI-00685076, CSI-CLI-01133437, CSI-CLI-01334598, and CSI-
16 CLI-01335895 were all produced after the September 7, 2015 pleading amendment deadline in
17 this matter.

18 6. After discovering documents material to Arista's counterclaims, counsel for Arista
19 promptly consulted with antitrust counsel regarding potential antitrust claims against Cisco and
20 began preparing a counterclaim.

21 7. Counsel for Arista sought Cisco's consent to Arista's Motion for Leave to Amend
22 Response to Second Amended Complaint to add counterclaims. Cisco opposes Arista's motion.

23
24 I declare under penalty of perjury under the laws of the United States that the foregoing is
25 true and correct, and that this declaration was executed on January 25, 2015, in San Francisco,
26 California.

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EDUARDO E. SANTACANA